

Senate Bill No. 116

CHAPTER 289

An act to add Sections 1252.3 and 1279.1 to the Unemployment Insurance Code, relating to unemployment compensation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 5, 2007. Filed with
Secretary of State October 5, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

SB 116, Maldonado. Unemployment compensation benefits: freezing weather.

Existing law provides that an individual is considered "unemployed" for the purpose of eligibility for unemployment compensation benefits if, for any week of less than full-time work, the wages payable to the individual for that week, when reduced by \$25 or 25% of the wages payable, whichever is greater, do not equal or exceed the individual's unemployment weekly benefit amount. Existing law provides for the calculation of unemployment benefits.

This bill would provide that an individual who has been laid off from his or her most recent work, or is unable to commence work at his or her regular or seasonal workplace, as a direct result of the freezing weather conditions in January 2007, as specified, shall be considered "unemployed" for the purpose of eligibility for unemployment compensation benefits if the individual worked or was scheduled to commence work in a county specifically designated by the Governor as being in a state of emergency, as provided, and for any week of less than full-time work, the wages payable to the individual for that week, when reduced by \$200, do not equal or exceed the individual's unemployment weekly benefit amount. This bill would require the payment of unemployment compensation to an individual under these circumstances in a weekly amount equal to his or her weekly benefit amount less the amount of wages in excess of \$200 payable for that week, with benefits subject to the regular one-week waiting period.

This bill would provide for repeal of these provisions on November 4, 2007.

Existing law provides that unemployment compensation benefits are paid from the Unemployment Fund, a continuously appropriated special fund. By expanding benefits payable from the fund, this bill would make an appropriation.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 1252.3 is added to the Unemployment Insurance Code, to read:

1252.3. (a) Notwithstanding Section 1252, an individual is also “unemployed,” as determined by the director, if all of the following conditions are satisfied:

(1) The individual has been laid off from his or her most recent work, or is unable to commence work at his or her regular or seasonal workplace, as a direct result of freezing weather conditions that occurred in this state beginning January 11, 2007, and continuing.

(2) The individual worked or was scheduled to commence work in a county specifically designated by the Governor as being in a state of emergency as a result of the freezing conditions beginning January 11, 2007, and continuing.

(3) The individual’s continuing unemployment is a direct result of the freezing weather.

(4) The wages payable to the individual for any week of less than full-time work, when reduced by two hundred dollars (\$200), do not equal or exceed the individual’s weekly benefit amount.

(5) The individual is otherwise eligible to receive benefits under this part.

(b) This section shall become inoperative and shall be repealed on November 4, 2007.

SEC. 2. Section 1279.1 is added to the Unemployment Insurance Code, to read:

1279.1. (a) Notwithstanding Section 1279, an individual who is unemployed for any week pursuant to Section 1252.3 shall be paid with respect to that week an unemployment compensation benefit in an amount equal to his or her weekly benefit amount less the amount of wages in excess of two hundred dollars (\$200) payable to him or her for work performed during that week. Benefits shall be payable for weeks of unemployment after allowing for the waiting period required by subdivision (d) of Section 1253. The benefit payment, if not a multiple of one dollar (\$1), shall be computed to the next higher multiple of one dollar (\$1).

(b) For the purposes of this section, “wages” includes any and all compensation for personal services whether performed as an employee, an independent contractor, or a juror or witness, but does not include any payments, regardless of their designation, made by a city in this state to an elected official of the city as an incident to that public office, or any payment made to a member of the National Guard or reserve component of the Armed Forces for inactive duty training, annual training, or emergency state active duty.

(c) This section shall become inoperative and shall be repealed on November 4, 2007.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of

Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

Because workers of low and moderate income are in need of financial support as soon as possible as a result of an unforeseen natural disaster, it is necessary for this act to take effect immediately.

O